

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

GRANT KAISER and JOHN FURNISH	)	
	)	
Plaintiffs,	)	
	)	
v.	)	CA No. 1:21-cv-10590-MBB
	)	
WILLIAM DEAN KIRCHICK, CAROL	)	
RUDNICK KIRCHICK, individually and as	)	
TRUSTEE of the 41 SEAVIEW TERRACE	)	
REAL ESTATE TRUST, and RONALD	)	
STEVEN RUDNICK	)	
	)	
Defendants.	)	

**DEFENDANTS, WILLIAM KIRCHICK AND CAROL KIRCHICK'S SPECIAL MOTION  
TO DISMISS COUNTS II AND V OF THE COMPLAINT PURSUANT TO MASS. GEN.  
LAWS CH. 231, §59H, AND PARTIAL MOTION TO DISMISS COUNTS II AND III  
PURSUANT TO FED. R. CIV. P. 12(b)(6)**

Now come the Defendants, William Dean Kirchick and Carol Rudnick Kirchick (collectively the "Kirchicks" or the "Defendants"), and hereby move to dismiss Counts II and V of Plaintiff's Complaint pursuant to Mass. Gen. Laws ch. 231, § 59H, the Massachusetts anti-SLAPP statute. In addition, the Defendants move to dismiss Counts II and III of the Plaintiffs' Complaint pursuant to Fed. R. Civ. P. 12(b)(6) because the allegations contained therein fail to state a claim upon which relief can be granted. The Defendants rely on the accompanying Memorandum of Law, the arguments contained therein, and the exhibits attached.

Wherefore, the Defendants respectfully request that the Court grant their Motion to Dismiss Counts II and V of Plaintiff's complaint and award Defendants reasonable attorney's fees, costs, and interest pursuant to Mass. Gen. Laws ch. 231, § 59H, and also dismiss Counts II and III pursuant to Fed. R. Civ. P. 12(b)(6), as well as any other remedies the Court deems fair and equitable.

**REQUEST FOR ORAL ARGUMENT**

The Defendants respectfully requests oral argument on this motion pursuant to Local Rule 7.1(d).

Respectfully submitted,  
Defendants,  
William Dean Kirchick and  
Carol Rudnick Kirchick,  
Individually and as Trustee of the  
41 Seaview Terrace Real Estate Trust,  
By their attorney,

*/s/ John A. Donovan III*

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Respectfully submitted,  
Defendants,  
William Dean Kirchick and  
Carol Rudnick Kirchick,  
Individually and as Trustee of the  
41 Seaview Terrace Real Estate Trust,  
By their attorneys,

*/s/ Jeffrey B. Loeb*

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Dated: June 15, 2021

**CERTIFICATE OF SERVICE**

I, John A. Donovan III, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants.

/s/ John A. Donovan

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John A. Donovan III